

Assembly Bill No. 176

Passed the Assembly September 8, 2015

Chief Clerk of the Assembly

Passed the Senate September 2, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 66027.1 to the Education Code, and to amend Section 8310.7 of the Government Code, relating to data collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 176, Bonta. Data collection.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified Asian groups and Pacific Islander groups, and requires a state agency, board, or commission to include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of California residents that it publishes or releases. Existing law requires specified agencies to use additional separate collection categories and other tabulations for major Asian groups and Native Hawaiian and other Pacific Islander groups, and also requires those agencies to take additional actions, including, among other things, posting, and annually updating, the demographic data collected on their Internet Web sites, and updating the reporting categories to reflect these Asian and Pacific Islander groups as they are reported for the 2020 decennial census.

This bill would require the updating of the reporting categories for future decennial censuses. The bill would require, on or after July 1, 2016, the Department of Managed Health Care to use the additional separate collection categories and other tabulations for specified Asian groups and Pacific Islander groups, and to take additional actions as specified above, under certain circumstances.

This bill would, on and after July 1, 2016, require the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Regents of the University of California, whenever those entities collect demographic data as to the ancestry or ethnic origin of students for a report that includes student admission, enrollment, completion, or graduation rates, to use specified collection and tabulation categories for Asian, Native Hawaiian, and Pacific Islander groups, as specified. The bill would

require each entity specified above to make this demographic data publicly available by posting the data on the applicable entity's Internet Web site and would require the updating of the reporting categories for each decennial census. The bill would not apply these categorization requirements to demographic data of graduate and professional schools of the University of California. The bill would be applicable to the University of California only if the Regents of the University of California, by resolution, make it applicable.

To the extent the bill would impose additional requirements on community colleges, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the State, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 66027.1 is added to the Education Code, to read:

66027.1. (a) On or after July 1, 2016, whenever the Board of Governors of the California Community Colleges, the Trustees of the California State University, or the Regents of the University of California collect demographic data as to the ancestry or ethnic origin of students for a report that includes student admission, enrollment, completion, or graduation rates, the entity shall use separate collection categories and tabulations in accordance with the following:

(1) No later than 18 months after a decennial United States Census is released to the public, each entity shall use the collection and tabulation categories for Asian, Native Hawaiian, and Pacific Islander groups as they are reported by the United States Census Bureau.

(2) The categories used by each entity for Asian, Native American, and Pacific Islander groups, to the extent not already required pursuant to paragraph (1), shall also include the following:

(A) Additional major Asian groups, including, but not limited to, Bangladeshi, Cambodian, Hmong, Indonesian, Laotian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.

(B) Additional major Native Hawaiian and Pacific Islander groups, including, but not limited to, Fijian and Tongan.

(3) Until the release of the next decennial United States Census following the enactment of this section, each entity shall use the collection and tabulation categories for Asian, Native Hawaiian, and Pacific Islander groups that the entity used as of January 1, 2015.

(4) Each entity shall comply with the Family Educational Rights and Privacy Act and shall observe criteria for ensuring statistical significance of data collected and published.

(b) Each entity shall make the demographic data specified in subdivision (a) publicly available, except for personal identifying information, which shall be deemed confidential, by posting the data on the applicable entity's Internet Web site by July 1, 2016, and shall update the data annually thereafter. This subdivision shall not be construed to prevent any other state agency from posting data collected as specified in subdivision (a) on the state agency's Internet Web site, in a manner prescribed by this section or Section 8310.5 or 8310.7 of the Government Code.

(c) As used in this section, "entity" means the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Regents of the University of California.

(d) This section shall not apply to demographic data of graduate or professional schools of the University of California.

(e) This section shall apply to the University of California only if the Regents of the University of California, by resolution, make it applicable.

SEC. 2. Section 8310.7 of the Government Code is amended to read:

8310.7. (a) This section shall only apply to the following state agencies:

(1) The Department of Industrial Relations.

(2) The Department of Fair Employment and Housing.

(3) The Department of Managed Health Care, on or after July 1, 2016, whenever collecting demographic data as to the ancestry or ethnic origin of persons for a report that includes the type and amount of health care coverage, rates for major diseases, leading causes of death per demographic, subcategories for leading causes of death in California overall, pregnancy rates, or housing numbers.

(b) In addition to the duties imposed under Section 8310.5, the state agencies described in subdivision (a), in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of California residents, shall collect and tabulate data for the following:

(1) Additional major Asian groups, including, but not limited to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.

(2) Additional major Native Hawaiian and other Pacific Islander groups, including, but not limited to, Fijian and Tongan.

(c) The state agencies identified in subdivision (a) shall make any data collected pursuant to subdivision (b) publicly available, except for personal identifying information, which shall be deemed confidential, by posting the data on the Internet Web site of the agency on or before July 1, 2012, and annually thereafter. This subdivision shall not be construed to prevent any other state agency from posting data collected pursuant to subdivision (b) on the agency's Internet Web site, in the manner prescribed by this section.

(d) The state agencies identified in subdivision (a) shall, within 18 months after a decennial United States Census is released to the public, update their data collection to reflect the additional Asian groups and additional Native Hawaiian and Pacific Islander groups as they are reported by the United States Census Bureau.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the State, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2015

Governor